

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. EDCV 23-00317-CJC (SPx)

Date: March 2, 2023

Title: DON PATRICK V. HP COMMUNICATIONS, INC. ET AL.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Rolls Royce Paschal
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
ACTION SHOULD NOT BE REMANDED FOR LACK OF SUBJECT MATTER
JURISDICTION**

Sunbelt Rentals, Inc., removed this action from the Superior Court of California, County of Riverside, on February 24, 2023, asserting diversity jurisdiction. (*See* Dkt. 1 [Notice of Removal, hereinafter “Notice”].) The original complaint involves negligence claims by Don Patrick, individually and as parent and next friend of B.P., a minor, against HP Communications, Inc., and Rudy Gamboa. (*See* Dkt. 1-3 Ex. 1A.) HP Communications, Inc., later filed a “cross-complaint” against Sunbelt Rentals for indemnification, apportionment of fault and contribution, equitable indemnification, and declaratory relief. (*See id.*) Sunbelt Rentals appears to be a third-party defendant, since it was brought into the action as a defendant to claims by HP Communications and Gamboa, themselves defendants to claims by Patrick. However, “third-party defendants cannot remove a case, as they do not fall under the meaning of ‘defendant’ for the purposes of the removal statute.” *3S Network, Inc. v. Zenisco, Inc.*, No. 21-cv-971, 2021 WL 5998026, at *2 (W.D. Wash. Dec. 20, 2021) (citing *Home Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743, 1749 (2019)).

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Accordingly, the parties are hereby **ORDERED** to show cause why this action should not be remanded for lack of subject matter jurisdiction. Each party shall file a written response to this Order by **March 20, 2023**.

jso

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk RRP